

Notice of Allowability

Application No.

09/242,191

Examiner

Thao T. Tran

Applicant(s)

RIERA, MICHEL

Art Unit

1794

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE of 6/17/08 and telephonic interview of 9/10/08.
2. ☒ The allowed claim(s) is/are 43-45, 48 and 50-53.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/10/08.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Thao T. Tran/
Primary Examiner, Art Unit 1794

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Henry Blanco White on 9/10/2008.

2. The application has been amended as follows:

A/ Claims 49, 54, and 56-65 have been canceled;

B/ In claim 43:

(i) lines 1-2, "of creating stereochemical deformations in the molecules of a given fluid" should be replaced by --for preventing the deposit of incrustations of water or improving the combustion efficiency of a fuel for a heat engine--;

(ii) line 3, "the given medium fluid" should be replaced by --said water or fuel;

(iii) lines 5 & 7, "the given medium" should be replaced by --said water or fuel--;

(iv) between lines 7 and 8, insert --wherein at least one of said magnetic fields is generated by a said coil or pair of coils having a ferromagnetic core to close the magnetic fields generated by said coil or pair of coils--;

C/ In claim 48, line 2, replace "the fluid" with --said water or fuel--;

D/ In claim 50, lines 2 & 3, "the given medium" should be replaced by --said water or fuel--;

E/ In claim 51, lines 3-4, "having a core of a ferromagnetic substance to close the magnetic fields generated by said coils" should be changed to --having a ferromagnetic core--;

F/ In claim 52:

(i) lines 1-2, "given medium is a limestone water, the application" should be replaced by --water is a limestone water, and the application--;

(ii) line 3, delete "on the walls of pipes, boilers, etc.";

G/ In claim 53:

(i) "in which combustion efficiency" should be replaced by --wherein the method is a method of improving combustion efficiency of a fuel for a heat engine--.

Allowable Subject Matter

3. Claims 43-45, 48, 50-53 are allowed.
4. The following is an examiner's statement of reasons for allowance: no prior art has been found to teach, disclose, or fairly suggest a method for preventing the deposit of incrustations from water or improving the combustion efficiency of fuel for a heat engine, comprising the steps of varying the amplitude of a first and a second magnetic fields over time in a manner that the resultant of said magnetic fields is moving in a field plane having an amplitude which is variable over time and a direction moving at a variable angular velocity; in combination with all of the other limitations in claim 43. The examiner is relying on Applicants' arguments on page 9, 1st-3rd paragraphs, of the Remarks as the basis for allowance.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCormick (US Pat. 3,473,108) is cited of interest. McCormick discloses a process of treating a fluid, in which the fluid is passed through a detection system. The detection system employs means for generating a constant, unidirectional magnetic field transverse to the flow path of the fluid, means for establishing a constant amplitude, alternating magnetic field in the direction transverse to to unidirectional field; wherein the alternating field having a gradient along the flow path (see abstract; col. 51-72). However, the reference does not teach the criticality of varying the amplitude of the first and second magnetic fields over time as recited in the presently claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton I. Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thao T. Tran/
Primary Examiner, Art Unit 1794

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